

House Energy and Commerce Committee  
Subcommittee on Commerce, Manufacturing and Trade  
United States House of Representatives  
Industry Perspectives on the Consumer Product Safety Commission  
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Testimony of Erik Pritchard  
Recreational Off-Highway Vehicle Association

Good morning Mr. Chairman, Ranking Member, and Members of the Committee.

My name is Erik Pritchard; I am the Executive Vice President and General Counsel of the Recreational Off-Highway Vehicle Association, commonly known as ROHVA. ROHVA is a not-for-profit trade association sponsored by Arctic Cat, BRP, Honda, John Deere, Kawasaki, Polaris, Textron, and Yamaha.

ROHVA was formed to promote the safe and responsible use of recreational off-highway vehicles – commonly referred to as ROVs or side-by-sides – manufactured or distributed in North America. ROVs are used by families, emergency personnel, and the U.S. military in a variety of environments, ranging from mud to sand to forested trails. This is a vibrant, high-growth industry and a bright spot in the U.S. manufacturing economy.

I last appeared before this Subcommittee on May 19, 2015. Then, as now, the topic was the U.S. Consumer Product Safety Commission (CPSC), which is the principal federal regulator of the ROV industry. But much has changed over the last eight months since that hearing.

By way of background, ROHVA is accredited by the American National Standards Institute (ANSI) to develop voluntary standards for the equipment, configuration, and performance requirements of ROVs. “Voluntary” does not mean opt-in or opt-out, because voluntary standards become the benchmark against which product design and performance is judged. Rather, “voluntary” means industry and other stakeholders, including the CPSC and

consumers, voluntarily develop product standards pursuant to ANSI's standards development procedures.

I am pleased to report that the ROV industry and the CPSC (as well as other stakeholders) have worked together to develop an updated voluntary standard for ROVs, effectively mooted the CPSC's Notice of Proposed Rulemaking for ROVs. In this regard, CPSC staff's December 1, 2015 letter to ROHVA reads: "CPSC staff supports the proposed changes to the voluntary standard and believes the aggregate effect of improved vehicle stability, handling, and occupant protection will reduce injuries and deaths associated with ROV rollovers." As a result of this support, we expect that once the updated voluntary standard is published, likely in a few months, CPSC staff will recommend that the Commission terminate the rulemaking.

This positive outcome resulted from the joint efforts of industry and CPSC staff, and through Congress's leadership – including in particular the efforts of this Subcommittee.

Without belaboring the history, industry discussions with the CPSC had some positive momentum in September and October of 2014 when representatives of ROHVA and each member company traveled to the CPSC's offices in Bethesda and Rockville, Maryland to explain how close the parties were and that any differences could be overcome through further discussion. Unfortunately, that momentum stalled on October 29, 2014 when the CPSC voted 3 – 2 to issue its Notice of Proposed Rulemaking for ROVs. Nevertheless, the industry and CPSC staff resumed their discussions with meetings in March, May, July, and October 2015, culminating with ROHVA circulating the updated draft voluntary standard a few months ago.

The leadership and efforts of the U.S. Congress were instrumental in helping industry and the CPSC achieve this positive result. Senators and Representatives from both parties repeatedly

encouraged the CPSC to engage in the voluntary standards process, rather than pursue rulemaking. This Subcommittee went further and elicited testimony from various stakeholders, including from CPSC Commissioners and the industry, regarding the ROV In-Depth Examination Act (RIDE Act), which would require independent examination of the CPSC's proposals and supporting data by the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense. Due to the successful agency/industry collaboration on the updated voluntary standard, it now appears that the review required by the RIDE Act will not be necessary.

This process was costly and time-consuming for both the CPSC and the industry, and we appreciate CPSC staff's diligence in working through the issues with industry. It is indisputable that the U.S. Congress has other important and complex business. And yet Congress and this Subcommittee took the time to provide the necessary oversight essential to a properly functioning regulatory system. That is no small thing.

On behalf of the ROV industry, thank you for your dedication to helping resolve this important matter.